

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.10975 OF 2017**

Sunita Narayan Chaudhari  
and others.

**...PETITIONERS**

**VERSUS**

The State of Maharashtra  
and another.

**...RESPONDENTS**

...  
Mr.Parag V. Barde Advocate for Petitioners.  
Mrs.V.N. Patil-Jadhav, A.G.P. for Respondent No.1.  
Mr.V.S. Bedre Advocate for Resp. No.1.  
...

**CORAM: SMT. VIBHA KANKANWADI AND  
Y.G. KHOBRADE, JJ.**

**DATE : 18<sup>th</sup> OCTOBER, 2022**

**ORDER :**

1. Learned AGP wants to take instructions. So also learned Advocate Mr. Bedre for respondent No.2 submits that he has instructions to state that once again the Corporation has forwarded the proposal to the State Government and he also wants to take instructions.

2. It can be seen from the record that the decision has already been rendered in favour of the petitioners by the Industrial Court, Ahmednagar on 17<sup>th</sup> July 2013 and it has been upheld by this Court in Writ Petition No.17 of 2014 and other companion matters, by Judgment dated 16<sup>th</sup> November 2015. The order of the Industrial Court specifically states that the respondents therein should cease and desist from engaging in unfair labour practices by granting the complainants permanency with effect from April 2012 along with necessary benefits attached to the post of Nurse. In fact conditional order was passed and it was directed that the permanency and necessary benefits have to be accorded within a period of one month, and that order was when upheld by this Court, still till today it has not been implemented. In the meantime the petitioners appear to have approached this Court by way of filing Contempt Petitions and by order dated 10<sup>th</sup> February 2017, in view of the fact that the Municipal Corporation has then forwarded the proposal, it was observed:-

“ The competent authority can, therefore, take this decision while deciding the proposals and can grant regularization based on seniority considering the nature of work and posts available. Considering that the competent authority has been granted four months to decide the proposals upon it's

receipt, it is expected that the said direction would be complied with. ”

. In spite of this, it appears that vide communication letter dated 8<sup>th</sup> May 2017 the Government refused to accommodate and grant approval. No doubt, that is the communication, which is under challenge in the Petition. However, it appears that the Government is unnecessarily taking time. Since, now statement is made that again the proposal is sent by respondent No.2 to respondent No.1, then we hope that the concerned authority would consider the decisions in favour of the petitioners, the finality that has been achieved to it and take that decision within THREE MONTHS from today, if the proposals are reached to the Government.

3. Place the matter for further consideration on 30<sup>th</sup> January 2023.

**[Y.G. KHOBRADE]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**